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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,649	09/23/2003	Eric R. Kurtycz	62436A (1062-018)	2083
25215	7590	02/03/2005	EXAMINER	
DOBRUSIN & THENNISCH PC 29 W LAWRENCE ST SUITE 210 PONTIAC, MI 48342				BURNHAM, SARAH C
ART UNIT		PAPER NUMBER		
		3636		

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	10/668,649	Applicant(s)	KURTYCZ ET AL.
Examiner	Sarah C. Burnham	Art Unit	3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
2a) This action is **FINAL**.                            2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-5, 7-9 and 11-21 is/are rejected.  
7) Claim(s) 6 and 10 is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 23 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/17/04 & 8/18/04.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Acknowledgement is made of applicant's claim for the benefit of the filing date of provisional application 60/414,040 filed in the United States on September 27, 2002.

***Information Disclosure Statement***

2. The information referred to in the information disclosure statements filed on February 17, 2004 and August 18, 2004 has been considered as to the merits.
3. The listing of references (i.e. commonly owned and copending applications) in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Double Patenting***

4. Applicant is advised that should claim 16 be found allowable, claim 21 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing

one claim to object to the other as being a substantial duplicate of the allowed claim.

See MPEP § 706.03(k).

***Drawings***

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the attachment system including a plurality of attachment locations, each of the attachment location including at least one looped fastener; and a rod extending at least partially through the at least one looped fastener of each of the plurality of attachment locations; and a pair of brackets attached to the vehicle and the rod, as disclosed in claim 6, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of

the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 7-8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Knoblock (5,487,591). Knoblock discloses a seatback system (Figure 14) comprising: a first panel (2) having a main wall (12); a plurality of primary planar ribs (30) positioned upon the first panel (2); and a plurality of channel forming ribs (45) extending along the main wall (12) of the first panel (2). Knoblock also discloses a plurality of attachment locations (24).

With respect to claim 2, primary planar ribs (30) are “integrally molded” (column 5, line 1) with the first panel (2) and a plurality of channel forming ribs (45) are “integrally formed” (column 5, line 31) on the first panel (2).

With respect to claim 7, at least one of the primary planar ribs extends about the periphery of the first panel (2). This rib is not labeled but extends between attachment points (24).

With respect to claim 8, at least two of the primary plan ribs extend across the main wall (12) in a criss-cross pattern as is best depicted in Figure 14.

With respect to claim 11, figure 15 discloses how the plurality of channel forming ribs (45) is arc-shaped in cross section. The central channel forming ribs (45) have a curved bottom disclosed in Figure 15.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knoblock (5,487,591) in view of Rink (5,092,942). Knoblock discloses all claimed elements with the exception of a seat back system made out of a plastic material selected from the group set forth in claim 3.

Rink teaches the use of a polycarbonate/acrylonitrile-butadiene-styrene blend to construct a back support structure (column 1, lines 44-45).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the claimed material as taught by Rink. This material allows for the economical mass production of the backrest support structures (column 2, lines 41-42).

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knoblock (5,487,591) in view of Krassilnikov (US2003.0197296). As disclosed above, Knoblock reveals all claimed elements with the exception of a channel forming rib formed by gas assist injection molding.

Krassilnikov discloses a method and apparatus for producing molded "seat backs" (paragraph [124]) with a gas assisted molding station.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to form the seat back system disclosed by Knoblock with the gas assisted injection molded process taught by Krassilnikov. Such a method is a low cost method of forming consistently high quality products.

11. Claims 5, 9, 12-13,16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knoblock (5,487,591) in view of Nagamitsu et al. (US 2002/0060492). As disclosed above, Knoblock reveals all claimed elements with the exception of attachment locations including a plurality of secondary planar ribs.

Nagamitsu discloses attachment location (17) located along the periphery of seat back (5). Each attachment location (17) includes a plurality of ribs (14).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to add a plurality of ribs to the attachment locations (24) disclosed by Knoblock. Such a modification would further reinforce the attachment location area and prevent the seat back from pulling away from a structure to which it is attached.

12. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knoblock (5,487,591) in view of Nagamitsu et al. (US 2002/0060492) and in further view of Rink (5,092,942). Knoblock, as modified, discloses all claimed elements with the exception of a seat back system made out of a plastic material selected from the group set forth in claim 3.

Rink teaches the use of a polycarbonate/acrylonitrile-butadiene-styrene blend to construct a back support structure (column 1, lines 44-45).

13. It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the claimed material as taught by Rink. This material allows for the economical mass production of the backrest support structures (column 2, lines 41-42).

14. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knoblock (5,487,591) in view of Nagamitsu et al. (US 2002/0060492) and in further view of Krassilnikov (US2003.0197296). As disclosed above, Knoblock, as modified, reveals all claimed elements with the exception of a channel forming rib formed by gas assist injection molding.

Krassilnikov discloses a method and apparatus for producing molded "seat backs" (paragraph [124]) with a gas assisted molding station.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to form the seat back system disclosed by Knoblock with the gas

assisted injection molded process taught by Krassilnikov. Such a method is a low cost method of forming consistently high quality products.

15. Claim 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knoblock (5,487,591) in view of Nagamitsu et al. (US 2002/0060492) and in further view of Leistra (5,782,537). As disclosed above, Knoblock reveals all claimed elements with the exception of a second panel having a main wall and channel forming ribs.

Leistra et al. teaches placing two molded seat back structures side by side in a dual configuration.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to place two seat backs disclosed by Knoblock et al. side by side as taught by Leistra et al. Such a modification would involve a mere duplication of parts.

16. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knoblock (5,487,591) in view of Nagamitsu et al. (US 2002/0060492) in further view of Leistra (5,782,537) and in further view of Rink (5,092,942). Knoblock, as modified, discloses all claimed elements with the exception of a seat back system made out of a plastic material selected from the group set forth in claim 3.

Rink teaches the use of a polycarbonate/acrylonitrile-butadiene-styrene blend to construct a back support structure (column 1, lines 44-45).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the claimed material as taught by Rink. This material allows for the economical mass production of the backrest support structures (column 2, lines 41-42).

17. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knoblock (5,487,591) in view of Nagamitsu et al. (US 2002/0060492) in further view of Leistra (5,782,537) and in further view of Krassilnikov (US2003.0197296). As disclosed above, Knoblock, as modified, reveals all claimed elements with the exception of a channel forming rib formed by gas assist injection molding.

Krassilnikov discloses a method and apparatus for producing molded "seat backs" (paragraph [124]) with a gas assisted molding station.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to form the seat back system disclosed by Knoblock with the gas assisted injection molded process taught by Krassilnikov. Such a method is a low cost method of forming consistently high quality products.

#### ***Allowable Subject Matter***

18. Claims 6 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Gupta (6,491,346); Adams et al. (6,679,558); Fox et al. (6,733,064); Garnweiderner et al. (US2004/0155511); Jones et al. (6,260,924); Vishey et al. (5,988,757); Massara (5,895,096); Makihara et al. (5,100,204); Yamawaki et al. (4,493,505) and Frey et al. (4,123,105).

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 703-305-7315. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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SCB  
January 26, 2005